

CONGRESSWOMAN

Carolyn McCarthy

Gun Safety Accomplishments - 107th Congress

Although Washington, especially the House of Representatives, has fallen behind the American people on enacting commonsense gun safety legislation, Congresswoman Carolyn McCarthy has helped pass several measures aimed at curbing senseless acts of gun violence in this country.

SETTING STANDARDS FOR CHILD SAFETY LOCKS

Although child safety locks are available, many of them do not work because they do not have to adhere to standards. That is why Congresswoman McCarthy fought for standards language in the Juvenile Justice and Commerce-Justice-State Appropriations Bill for FY2002.

- ✓ Passed **H.R. 2500 (P.L.107-77), Commerce-Justice-State Appropriations Bill for FY2002**
 - Included \$50 million to provide safety locks for every handgun in the U.S.
 - Directs the Department of Justice to submit a report that: (1) reports the status of the development of interim and national standards for handgun safety locks; (2) provides cost estimates for gun safety locks based on the new national standards; and (3) describes how funding for gun safety locks will be distributed to the States.

CONTINUE COMMUNITY ORIENTED POLICING (COPS)

Few policies have been as successful in reducing crime than the Community Oriented Policing Services initiative. Enacted in 1994, this effort has placed more than 100,000 police officers on the beat in over 11,000 communities. History has shown that more cops prevent crime. Crime statistics have declined every year since the enactment of this law. That is why Congresswoman McCarthy has fought for the extension and full funding of this important program.

- ✓ Passed **H.R. 2500 (P.L.107-77), Commerce-Justice-State Appropriations Bill for FY2002.**
 - Included \$1,050,440,000 for COPS instead of the \$1,013,498,000 as proposed by the House.
 - Congresswoman McCarthy offered an amendment in the Budget Committee to

include an increase in the COPS program.

APPROPRIATION MEASURES SUPPORTED IN FY2002 CJS BILL

Securing sufficient funding for important programs that reduce crime is a top priority. That is why Congresswoman McCarthy supported the following appropriation measures:

- ✓ \$3 million for grants to states and local governments to improve data entry regarding stalking and domestic violence into local, state and national crime information databases;
- ✓ \$35 million for grants to upgrade criminal records. Congresswoman McCarthy requested \$200 million. Funding for this program is authorized at \$250 million;
- ✓ \$49 million for a gun reduction program that encourages states to increase the prosecution of gun criminals, encompassing a broad range gun violence strategies, including hiring and training of local prosecutors and implementing public awareness campaigns to advertise tough sentences for gun crimes;
- ✓ \$23 million for the Safe School Initiative. This program is aimed at preventing violence in public schools, and to support the assignment of officers to work in collaboration with schools and community organizations to address crime, gangs and other illegal activities;
- ✓ 6.8 percent increase in for the Bureau of Alcohol, Tobacco, and Firearms (*FY2002 Treasury-Postal appropriations Act (P.L.107-117)*). This included \$31 million in emergency counter-terrorism funding;
- ✓ \$9 million to hire additional federal gun prosecutors;
- ✓ \$15 million to establish joint federal-state safe school task forces to reduce gun violence.

PREVENTING VIOLENCE IN SCHOOLS

As a Member on the House Education and Workforce Committee, Congresswoman McCarthy offered an amendment to the Juvenile Justice bill that calls for a youth crime study focusing on the relationship between victims and violent youth; the criminal act and location; and details about the firearm used in the crime. The purpose of this study, conducted by the National Institute of Justice, is to examine this data and develop new ways to prevent violence in schools.

- ✓ Passed H.R. 1900, Juvenile Justice and Delinquency Prevention Act of 2001, which included the McCarthy crime study amendment.

CLOSING THE GUN SHOW LOOPHOLE

Because the Brady background check effectively stopped criminals from directly buying guns at licensed gun stores, criminals are forced to find other ways to acquire guns. Criminals have discovered that at gun shows, large numbers of private buyers and sellers come together in one place and sell guns where no background check is required; they have exploited this loophole in the Brady Act to purchase firearms.

H.R. 2377, the Gun Show Loophole Closing and Gun Law Enforcement Act, is legislation sponsored by Congresswoman McCarthy and Congressman Castle that closes a loophole in our gun laws that allows anyone to purchase a gun at a gun show without undergoing a background check.

- Requires background checks at all gun shows and public events where at least 75 guns are available for sale;
- Assists states with the automation of their criminal history records (which will make all gun background checks faster and easier);
- Makes all background checks truly instant and accurate when states can show that a rapid check will not let criminals and other prohibited buyers get guns;
- Strengthens enforcement and increases penalties for criminals who lie on background checks;
- Calls for the hiring of 144 additional Federal prosecutors to assist in comprehensive law enforcement strategies, providing more money for Federal, State, and Local gun crime investigators and prosecutors, and improving gun tracing techniques and smart gun technology.

USING THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK (NICS)

In an effort to counter a proposal offered by Attorney General John Ashcroft, which would reduce the amount of time the FBI is allowed to retain NICS records from 90 days to 24 hours, and also assist in the hunt for terrorists, Congresswoman McCarthy introduced legislation that allows the FBI to search NICS records for terrorists and reinstate the 90 day NICS data retention policy of the FBI.

H.R. 3494, Use NICS in Terrorists Investigations Act, is legislation sponsored by Congresswoman McCarthy that authorizes the following:

- Allows the FBI to access NICS audit log records in response to a criminal investigation;
- Requires that records be maintained for at least 90 days, which is the current regulation, so law enforcement can investigate and crack down on “bad apple” dealers and suspected terrorist activity.

TAKING CARE OF OUR OWN--OUR LADY OF PEACE ACT

Because most states have failed to automate and share many of these records, Congresswoman McCarthy introduced the “Our Lady of Peace Act,” named after a church in Lynbrook, NY where a disturbed gunman with a history of mental health problems, which went unaccounted during a background check, fatally shot Reverend Larry Penzes and Eileen Tosner during mass. This legislation provides an incentive for states to automate and provide information to the FBI regarding any individual who is barred from having a gun for which the states maintain the records.

A criminal background check is only as good as the records provided to the system. Unfortunately, most states have done a poor and ineffective job automating these records, thus allowing almost ten thousand convicted felons to acquire guns over the last 30 months.

H.R. 4757, The Our Lady of Peace Act, is legislation sponsored by Congresswoman McCarthy that authorizes the following:

- Requires states to provide information to the FBI for use in the National Instant Criminal Background Check (NICS) Database regarding any individual who is barred from having a gun on a ground for which the states maintain the records;
- Assures that only appropriate personnel will have access to the information;
- Provides \$250,000 million in funds for states over 3 years to come into compliance with the requirements;
- Creates a separate grant program for courts to automate their records. This is extremely important because of the time-sensitive nature of domestic violence retraining orders.

- √ On July 23, 2002, the House Committee on the Judiciary passed *Our Lady of Peace Act*. Congresswoman McCarthy worked closed with House Judiciary Committee Chairman Sensenbrenner to ensure the bill’s smooth passage out of the full committee. The bill is expected on the House floor in September of 2002.
- √ The legislation is supported by the American Bar Association, the National Education Association, Americans for Gun Safety, the National Rifle Association, the Coalition to Stop Gun Violence, and the Brady Campaign/Million Mom March.

MISCELLANEOUS GUN SAFETY LEGISLATION

Congresswoman McCarthy is a cosponsor of several pieces of gun safety legislation. For more information on these bills, please refer to <http://thomas.loc.gov/>.

<i>Bill No.</i>	<i>Title</i>	<i>Description</i>
H.R.2377	Gun Show Loophole Closing and Gun Law Enforcement Act of 2001	To require criminal background checks on all firearms transactions occurring at events that provide a venue for the sale, offer for sale, transfer, or exchange of firearms, and to provide additional resources for gun crime enforcement.
H.R.218	Community Protection Act of 2001	Amends the Federal criminal code to authorize qualified law enforcement officers (including qualified retired officers) carrying the photographic identification issued by the relevant governmental agency, to carry a concealed firearm that has been shipped or transported in interstate or foreign.
H.CON. RES.129	Expressing sense of Congress regarding the establishment of Million Mom March Day	Expresses the sense of Congress that a Million Mom March Day (May 13, 2001) should be established to pay tribute to the victims of gun trauma and to celebrate the Million Mom March.
H.R. 499	Child Safety Locks	To amend the Consumer Product Safety Act to confirm the Consumer Product Safety Commission's jurisdiction over child safety devices for handguns, and for other purposes.
H.R. 225	Anti-Gunrunning Act of 2001	To prevent handgun violence and illegal commerce in handguns.
H.R. 891	Juveniles and Gun Possession	To prohibit the possession of a firearm by an individual who has committed an act of juvenile delinquency that would be a violent felony if committed by an adult.
H.R. 1007	Body Armor	To limit access to body armor by violent felons and to facilitate the donation of Federal surplus body armor to State and local law enforcement agencies.

<i>Bill No.</i>	<i>Title</i>	<i>Description</i>
H.R. 1092	Victims of Crime Fund	To ensure that amounts in the Victims of Crime Fund are fully obligated.
H.R. 693	Childproof Handgun Act of 2001	To ban the manufacture of handguns that cannot be personalized, to provide for a report to the Congress on the commercial feasibility of personalizing firearms, and to provide for grants to improve firearm safety.
H.R. 2773	Accidental Shooting Prevention Act of 2001	To amend title 18, United States Code, to prohibit the manufacture or importation, or transfer a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevents the pistol from being fired when the magazine is not attached.
H.R. 2778	Gun Sale Anti-Fraud and Privacy Protection Act	To protect ability of law enforcement to effectively investigate and prosecute illegal gun sale and protect the privacy of the American people.
H.R. 3207	Accidental Shooting Prevention Act of 2001	To amend title 18, United States Code, to prohibit the manufacture or importation, or transfer by a licensed firearms dealer, of a pistol that does not have a chamber load indicator and, in the case of a semiautomatic pistol that has a detachable magazine, a mechanism that prevent the pistol from being fired when the magazine is not attached.
H.R. 4101	Electronic Commerce Crime Prevention and Protection Act	To require firearms, ammunition, and explosives purchases to be made in person and to require records to be kept of the means by which the purchases are made.
H.R. 4193	Crackdown on Deadbeat Dealers Act of 2002	Increases the number of allowed inspections for compliance with record-keeping requirements by firearms dealers to not more than three times (currently, once) during any 12-month period.